

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JULIO A. JOHNSON-CANTY
and CARLOS D. CANTY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ALONZO W. CANTY,

Respondent-Appellant.

UNPUBLISHED

September 27, 2005

No. 260938

Wayne Circuit Court

Family Division

LC No. 88-274330

Before: Bandstra, P.J., and Neff and Donofrio, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Because respondent does not address the trial court's determination that the statutory grounds for termination were established by clear and convincing evidence, we deem this issue abandoned. "The failure to brief the merits of an allegation of error is deemed an abandonment of an issue." *In re JS & SM*, 231 Mich App 92, 98; 585 NW2d 326 (1998), overruled on other grounds sub nom *In re Trejo*, 462 Mich 341, 343; 612 NW2d 407 (2000).

Further, respondent has not established any basis for disturbing the trial court's assessment of the children's best interests based on the services offered by petitioner. The reasonableness of the services provided by petitioner ultimately relates to the sufficiency of the evidence for the statutory grounds for termination. See *In re Fried*, 266 Mich App 535, 541-543; ___ NW2d ___ (2005).

Whether a long-term foster care arrangement was preferable to termination of respondent's parental rights was ultimately a decision for the trial court after considering the children's best interests. Respondent's reliance on MCL 712A.19 to challenge the trial court's best interest decision is misplaced because that statute governs dispositional review hearings. The trial court's assessment of the children's best interests in a termination proceeding is governed by MCL 712A.19b(5). Under this statute, once a statutory ground for termination is

established, termination is mandatory “unless there exists clear evidence, on the whole record, that termination is not in the child’s best interests.” *In re Trejo, supra* at 354.

It is only when a party offers best interest evidence that a trial court must rule on its sufficiency. *In re Gazella*, 264 Mich App 668, 678; 692 NW2d 708 (2005). Under MCR 3.977(H)(1), brief, definite, and pertinent findings of facts and conclusions on contested matters are sufficient. In general, a court’s findings of fact are sufficient if it appears that the court was aware of the issues and correctly applied the law. See *People v Armstrong*, 175 Mich App 181, 184-185; 437 NW2d 343 (1989). Remand for additional findings is unnecessary if it would not facilitate appellate review. *Triple E Produce Corp v Mastronardi Produce*, 209 Mich App 165, 176; 530 NW2d 772 (1995).

The evidence here indicated that both children were placed at a residential treatment center and had difficulty dealing with respondent’s lack of consistency in appearing for visitation. The children’s therapist, who was the only witness to testify about the possibility of a long-term foster care arrangement, recommended that respondent’s parental rights be terminated. It is apparent that the trial court rejected that proposal because it found that the children needed an opportunity for stability, that stability would not come from respondent, and that it was time to move forward with some permanence for the children.

We conclude that the trial court made sufficient findings regarding the children’s best interests, and find no clear error in its decision. *In re Trejo, supra* at 356-357. Because the evidence did not establish that termination of respondent’s parental rights was clearly not in the children’s best interests, the trial court did not err in terminating respondent’s parental rights to the children. MCL 712A.19b(5); *In re Trejo, supra*.

Affirmed.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Pat M. Donofrio